

REMARKS

Claim 17 is canceled, claims 3-7 and 18-20 are pending in this application after entry of this amendment. Claims 3 and 18-20 are amended as discussed below. Reconsideration of the claims in light of the amendments, presented above, and the remarks presented below is respectfully requested.

With respect to all amendments and canceled claims, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications.

Specification

The specification was objected to because the drawings submitted on 2/11/04 necessitated changes to the "Brief Descriptions of Drawings." The figure numbers cited in the specification have been amended as suggested by the Examiner. Accordingly, Applicants respectfully request withdrawal of this objection.

Rejection under 35 U.S.C. §112, first paragraph

Claims 17-20 were rejected under 35 U.S.C. §112, first paragraph for failing to reasonably provide enablement without undue experimentation. The Examiner asserts that the specification does not provide guidance as to what nucleic acids may be changed without causing a detrimental effect to the adhesion and penetration protein to be produced. The Examiner further asserts the unpredictability as to which amino acids could be removed and which could be added.

Claim 17 has been canceled. Claims 18-20 have been amended to be directed to a recombinant nucleic acid that encodes the specific corresponding amino acid sequence listed in the specification. See present application, page 6, line 3 through line 22. One of ordinary skill in the art can readily make and use the claimed invention as amended without undue experimentation. Accordingly, Applicants respectfully request withdrawal of this rejection.

Serial No.: 10/687,046
Filing Date: October 15, 2003

Rejection under 35 U.S.C. §112, second paragraph

Claims 3-7 were rejected 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Claim 3 has been amended as suggested by the Examiner. Accordingly, claims 5-7, which depend from claim 3 and claim 4, an allowed claim, should be allowed as including all of the limitations of the base claims. Applicants respectfully request withdrawal of this rejection.

CONCLUSION

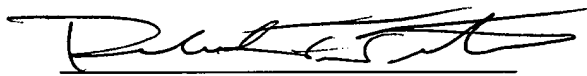
The amended claims are in form for allowance and an early notification of such is requested. If the Examiner believes that any unresolved issues may be disposed of by telephone, she is respectfully requested to call the undersigned at (415) 781-1989. This paper is filed under 37 C.F.R. § 1.34(a).

Respectfully submitted,

DORSEY & WHITNEY, LLP

Date: June 14, 2005

Four Embarcadero Center, Suite 3400
San Francisco, California 94111-4187
Telephone: (415) 781-1989


Richard F. Trecartin, Reg. No. 31,801

Filed Under 37 C.F.R. § 1.34(a)

Customer No. 32940

1167316